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eVionyx-0061USAACN01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Dubac et al.)
SERIAL NO.: 10/763,946) Group Art Unit
FILING DATE: 1/23/2004) 2838
FOR: Selectively Activated Electrochemical Cell) Examiner
System) Tso, Edward H

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL AND RESPONSE TO OFFICE ACTION

In response to the Office Action in the present application mailed January 10, 2005 whereby claims 1,2 and 4-14 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-10 of U.S. Patent No. 6,713,988, applicants submit herewith a Terminal Disclaimer to Obviate a Double Patenting Rejection Over a Prior Patent.

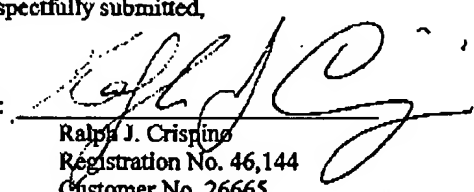
Applicant is a Small Entity. The Commissioner is hereby authorized to charge Statutory Disclaimer fee under 37 CFR 1.20(d) for a Small Entity of \$65.00 to Deposit Account No. 501648.

There being no further outstanding issues, applicants respectfully request allowance in the present application.

Respectfully submitted,

Date: March 29, 2005

By:


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I hereby certify that this correspondence is being facsimile transmitted to (703) 872-9306 on

March 29, 2005

Ralph J. Crispino
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Signature

3/29/05
Date